

**REMARKS****Claim Status**

Claims 1-49 are pending in the application. This paper amends claims 1, 3, 6, 8, 27, 30, 46, and 47; and adds new claims 48 and 49. Claims 1, 27, 32, and 48 are the independent claims of the application.

**Art Rejections**

The Final Office Action rejected all claims of the application as follows:

1. Claims 1, 7, 8, 12-17, 18-24, and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Himmel *et al.*, U.S. Patent Number 6,211,874 (“Himmel” hereinafter);
2. Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel;
3. Claims 2-5, 27, and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Kaply, U.S. Patent Number 6,215,490 (“Kaply” hereinafter);
4. Claims 32-34 and 40-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Kaply, and further in view of Gibson, U.S. Patent Number 6,313,854 (“Gibson”

hereinafter);

5. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Kaply, and further in view of Gilman *et al.*, U.S. Patent Number 6,208,770 (“Gilman” hereinafter);

6. Claims 9, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel in view of Iyengar *et al.*, U.S. Patent Number 6,360,205 (“Iyengar” hereinafter);

7. Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Kaply, and Iyengar;

8. Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and further in view of Gavron *et al.*, How to Use Microsoft Windows NT 4 Workstation 105 (Ziff-Davis Press, 1996) (“Gavron” hereinafter);

9. Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and further in view of Tang *et al.*, U.S. Patent Number 5,793,365 (“Tang” hereinafter);

10. Claims 37-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and further in view of Itoh, U.S. Patent Number 5,966,122 (“Itoh” hereinafter);

11. Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and further in view of Moore *et al.*, U.S. Patent Number 6,330,575 (“Moore” hereinafter);

12. Claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and further in view of Collins-Rector *et al.*, U.S. Patent Number 6,188,398 (“Collins-Rector” hereinafter);

13. Claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and further in view of certain prior art depicted in Figure 3A; and

14. Claim 47 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel, Gibson, Kaply, and Iyengar.

Applicant respectfully requests further examination and reconsideration of the claims in view of the amendments above and the arguments below.

#### Declarations Under Rule 1.131

Applicant has previously filed two declarations with attached exhibits under 37 C.F.R. § 1.131: (1) declaration dated December 18, 2003 (“First Rule 1.131 Declaration” hereinafter); and (2) supplemental declaration dated September 30, 2004 (“Second Rule 1.131 Declaration” hereinafter).

The declarations establish that the invention as claimed in independent claims 1 and 27 was reduced to practice before the effective date of the Himmel reference.

Exhibit 1 of the Second Rule 1.131 Declaration is a printout of notes made by the inventor during implementation of the invention. Second Rule 1.131 Declaration, page 3. The notes contain the following entry dated September 30, 1996:

It has been pain in the neck coding all data paths and file name into my Multi-Select demo. I used some rug photographs to compose a catalog graphical thumbnails folder, a detailed graphics folder, and mock-up descriptions into another linked text folder, and mock up auction files for each rug. I was able to show the thumbnails in a graphical array, and java scripted a primitive multi-select function, and submit function to fetch all data regarding the number of selected rug-thumbnails at once, and display at once for comparison conveniences. It was so much work, I only coded the first two rows of rugs into the java script. The selection of other rugs beyond the first two rows would not work in a demo.

Second Rule 1.131 Declaration, Exhibit 1.

Claims 1 and 27 substantially read on the embodiment ("demo") described in that entry. The embodiment included a means for displaying ("I was able to show the thumbnails," "display at once for comparison conveniences"). The embodiment also included means for selecting ("java scripted a primitive multi-select function, and submit function to fetch all data regarding the number of selected rug-thumbnails"). The embodiment further included means for retrieving ("fetch all data regarding the number of selected rug-thumbnails"). The displayed objects were linked to the destination objects ("I used some rug photographs to compose a catalog graphical thumbnails folder, a detailed graphics folder, and mock-up descriptions into another linked text folder, and mock up

auction files for each rug”). The retrieved objects were displayed simultaneously together (“display at once for comparison conveniences”).

Moreover, the First Rule 1.131 Declaration establishes that the draft code implementing the invention was tested in 1997. First Rule 1.131 Declaration, page 3 (description of Exhibits 2 and 3). The First Rule 1.131 Declaration shows a display of a webpage including an array of items capable of being individually selected. First Rule 1.131 Declaration, page 3 (description of Exhibit 1) and Exhibit 1. The First Rule 1.131 Declaration further establishes that the draft code generated a simultaneous display of all objects and related items stored for all of the selected items. First Rule 1.131 Declaration, page 3 (description of Exhibit 3) and Exhibit 3.

Thus, the two declarations show that, in 1996 and 1997, the inventor was in possession of an embodiment of the invention capable of performing the basic inventive concept commensurate with the scope of independent claims 1 and 27. The declarations recite specific facts and include contemporaneously created notes and printout exhibits created from contemporaneous code. These are not mere pleadings or conclusive allegations, but detailed descriptions of facts supported by exhibits. The declarations therefore eliminate Himmel as prior art and overcome the rejection of these claims based on Himmel. *See, e.g.*, MPEP § 715.02.

References Do Not Disclose or Suggest All Limitations of Claims 1 and 27

Applicant further notes that the references cited do not teach or suggest all elements of independent claims 1 and 27. Amended claim 1, for example, recites “means for retrieving . . . and then simultaneously displaying together in a single window the retrieved destination objects for viewing.”<sup>1</sup> Himmel does not disclose displaying the retrieved objects *simultaneously* or *in a single window*.

The adverb *simultaneously* means “existing or occurring at the same time; exactly coincident.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (Elec. Ed., Ver. 1.2, 1994-96); *accord*, OXFORD UNIVERSITY PRESS, THE NEW SHORTER OXFORD *ENGLISH DICTIONARY* (CD-ROM ed. 1996) (“Occurring, operating, or existing at the same time”). Thus, *simultaneously displaying* means displaying at the same time. Himmel, in contrast, shows retrieved information in multiple windows, only one of which is actually displayed. Himmel, Figure 5C. Indeed, Himmel describes time and again the use of separate windows. Consider, for example, the following statements made in Himmel:

1. “The present invention allows for selection of multiple links within such a web page, so that concurrent processing may be applied to the links, such as by opening separate browser windows for each of the links so selected.” Himmel, col. 6, lines 61-64 (emphasis provided).

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<sup>1</sup> Support for the underlined matter added by the claim amendment may be found, for example, in Figures 9C, 9D, 10C, 10D, and 12B; and in the Specification, at page 15, lines 22-23.

2. “The number of additional windows opened could be N-1, where N is the number of links selected by the user via the special control key sequence, with the first newly selected page being retrieved into the original browser window 110, or the number could be N, with the original page maintained in the original window, and a new window opened for each newly selected page, as shown in FIGS. 5B-5C.” Himmel, col. 7, lines 11-18.

3. “When the user then hits the ‘Enter’ key, three new windows 114a, 114b and 114c appear as shown in FIG. 5C, which retrieve the pages (entitled ‘LINK 2,’ ‘LINK 4,’ and LINK 5’) respectively associated with links 112a, 112b and 112c.” Himmel, col. 7, lines 25-29.

Applicant believes that in Himmel’s method multiple windows are stacked on top of each other, with a single foreground window at the top of the stack being viewable and displaying information from one of the links. To view other windows with information from other links, Himmel’s method apparently requires pushing the currently displayed foreground window to the background, minimizing the foreground window, moving the window, or closing it altogether, so that the next window in the stack can be displayed. Therefore, Himmel’s method does not perform “simultaneous display.”

In sum, it appears that Himmel teaches away from simultaneous display. Similarly, Himmel discloses displaying the information in *multiple* windows, not in a *single* window, as is recited in the amended claims. At least for this reason, independent claims 1 and 27 would be patentable over Himmel even if Himmel were prior art.

Claim 32

In rejecting independent claim 32, the Final Office Action acknowledged that “Himmel does not disclose the plurality of scrolling sub-framed arrays displayed within a single electronic webpage.” The Final Office Action then sought to supplement Himmel and Kaply with the disclosure of Gibson, asserting that “Gibson discloses a plurality of scrolling sub-framed arrays 112a, 112b and 112c displayed within a single electronic webpage 114 (fig. 6; col. 8, lines 6-43).”

Even if Gibson discloses a plurality of sub-frames within a webpage, Gibson’s invention is intended for “displaying separate windows for respective frames, and enabling one or more window operations for each of the windows, such as resizing, minimizing, maximizing, and closing each of the windows.” Gibson, the Abstract (emphasis provided). With respect to the very Figure 6 cited in the Final Office Action, Gibson states that “FIG. 6 is a pictorial representation of the creation of multiple child windows in a web browser wherein each child window corresponds to a respective frame defined by a web page.” Gibson, col. 5, lines 45-48 (emphasis provided). In fact, Gibson teaches that frames within a window may be undesirable:

Frames are not child windows; that is, they are not resizable or otherwise controllable, since their attributes are fixed by the HTML coding. This aspect of frames can be very frustrating, because certain frames often take up so much of the web browser display area that other important frames are difficult to examine. . . .

Older web browsers do not support frames, . . . .



Gibson, col. 4, lines 1-25.

Gibson thus teaches away from displaying multiple windows in sub-frames of a single window, as recited in independent claim 32. Instead, Gibson teaches that “windowed frames can be displayed as child windows within a parent window on the display device, or in separate parent windows.” Gibson, col. 4, line 66, through col. 5, line 1 (emphasis provided). No only the art of record fails to suggest a motivation do combine Gibson with Himmel and Kaply, but in fact the art teaches away from such combination.

At least for this reason, independent claim 32 is patentable over Himmel, Kaply, and Gibson.

#### Dependent Claims

Dependent claims not specifically discussed should be patentable together with their respective base claims and intervening claims (if any).

#### New Claims

Applicant believes that new claims 48 and 49 are patentable because the references of record do not disclose or suggest combinations of elements as recited in these claims.


**CONCLUSION**

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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Anatoly S. Weiser, Reg. No. 43,229  
674 Via de la Valle, Ste. 216  
Solana Beach, CA 92075  
(858) 720-9431